
By: **Chairman, Appropriations Committee (By Request - Departmental - Budget and Management)**

Introduced and read first time: January 29, 2004

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 2, 2004

CHAPTER _____

1 AN ACT concerning

2 **State Personnel - Duties of Department and Secretary of Budget and**
3 **Management**

4 FOR the purpose of ~~authorizing, rather than requiring,~~ requiring the Secretary of
5 Budget and Management to conduct certain position and operational audits for
6 positions in the State Personnel Management System at least once every 3
7 years; and to audit a sample of instances of contractual employment for a
8 ~~certain purpose; authorizing, rather than requiring,~~ requiring the Department
9 of Budget and Management to assist units in developing certain forms, plans,
10 and tests for recruitment and hiring in the State Personnel Management
11 System and to review and audit certain recruitment and hiring practices of
12 appointing authorities at least once every 3 years; and generally relating to
13 State personnel and the duties of the Secretary of Budget and Management and
14 the Department of Budget and Management.

15 BY repealing and reenacting, with amendments,
16 Article - State Personnel and Pensions
17 Section 4-203, and 7-201, ~~and 13-205~~
18 Annotated Code of Maryland
19 (1997 Replacement Volume and 2003 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - State Personnel and Pensions**

2 4-203.

3 (a) The head of a principal unit shall submit for the Secretary's approval a
4 position classification plan for classifying positions in the unit that are in the skilled
5 service, professional service, and management service.

6 (b) The head of a principal unit or designee shall classify skilled service
7 positions, professional service positions, and management service positions in the
8 unit in accordance with the approved classification plan.

9 (c) (1) Each employee in a position shall assume the classification title
10 given the class to which that position belongs.

11 (2) The Secretary, the Comptroller, and the Treasurer shall use these
12 classification titles in all relevant records and communications.

13 (d) To ensure that positions in the State Personnel Management System are
14 classified properly, the Secretary:

15 (1) ~~{shall}~~~~MAY~~ conduct position classification audits AT LEAST ONCE
16 EVERY 3 YEARS; and

17 (2) ~~{shall}~~~~MAY~~ conduct operational audits of classification practices and
18 records in units ~~as necessary~~ AT LEAST ONCE EVERY 3 YEARS.

19 7-201.

20 (a) This subtitle does not apply to a special appointment position in the skilled
21 service or professional service.

22 (b) Each unit shall fill vacant skilled service and professional service positions
23 in accordance with a position selection plan.

24 (c) To ensure compliance with State and federal employment laws and to
25 ensure consistency in recruitment and hiring practices in the State Personnel
26 Management System, the Department ~~{shall}~~~~MAY~~:

27 (1) assist units in developing application forms, position selection plans,
28 selection tests, and announcement forms; and

29 (2) ~~periodically~~ review and audit recruitment and hiring practices of
30 ~~{all}~~~~SELECTED~~ appointing authorities AT LEAST ONCE EVERY 3 YEARS.

31 (d) On request of a unit that is not able to conduct all or part of its own
32 recruitment or selection testing for a position because it lacks the appropriate
33 resources, the Department, consistent with its resources, shall assist the unit in
34 conducting the requested recruitment and selection testing.

1 ~~13-205.~~

2 (a) ~~The Secretary periodically [shall] MAY audit a sample of instances of~~
3 ~~contractual employment in the various units to determine whether:~~

4 (1) ~~justification exists in each instance to continue certification for the~~
5 ~~contractual employee; and~~

6 (2) ~~the guidelines adopted under § 13-203 of this subtitle have been~~
7 ~~followed.~~

8 (b) (1) ~~If, as a result of an audit, the Secretary determines that services~~
9 ~~performed by a contractual employee should be performed by a permanent employee,~~
10 ~~the Secretary shall:~~

11 (i) ~~refuse to renew the certification for the contractual employee;~~
12 ~~and~~

13 (ii) ~~recommend that a position for a permanent employee be~~
14 ~~established.~~

15 (2) ~~If, as a result of an audit, the Secretary determines that a unit has~~
16 ~~not complied with the guidelines adopted under § 13-203 of this subtitle, the~~
17 ~~Secretary shall:~~

18 (i) ~~advise the unit of the nature of the noncompliance; and~~

19 (ii) ~~suggest alternate criteria or methods that would have complied~~
20 ~~with the guidelines.~~

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
22 effect October 1, 2004.